

The Disciplinary Procedure

Documentation

IMPORTANT NOTICE

I am not a lawyer; I am not a Labour consultant; as a matter of fact – I am not even clever!

Please use these tried and tested forms wisely and as a mere guideline to disciplinary hearings. Keep copies and ensure that the signed copies are safely stored at all times.

I take no responsibility for any disciplinary hearings (based on this information) going legal!

Daleen Slabbert

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DISCIPLINARY PROCEDURES
ANNEXURE A
(To be kept in Employee's File)

VERBAL WARNING / REPRIMAND FORM

Manager: _____

Date: _____

Department: _____

I Have Today Reprimanded, And Issued A Verbal Warning To:

Name of Employee: _____

Employee Number/Identity Number: _____

Reason:

Absenteeism: _____

Reporting Late: _____

Unsatisfactory work (specify):

Other Reasons (specify):

I recommend that the following disciplinary action be taken:

Employee's signature: _____

Manager's signature: _____

Employee Representative's Signature (if applicable): _____

This verbal warning is valid for three (3) months.

DISCIPLINARY PROCEDURE
ANNEXURE B
(To be kept in Employee's File)

WRITTEN WARNING / FINAL WRITTEN WARNING FORM

(Indicate whichever is applicable)

Name of Employee: _____

Employee Number/Identity Number: _____

Position of Employee: _____

Department: _____

Date: _____

Details of offence/unacceptable behaviour or performance:

Recommended action to rectify behaviour or performance:

Possible action/Consequences if such offence/behaviour re-occurs or no improvement is shown:

Other comments:

Employee's signature: _____

Manager's signature: _____

Employee representative's signature (if applicable): _____

This written warning/final written warning is valid for six (6) months.

DISCIPLINARY PROCEDURE
ANNEXURE C

DISCIPLINARY ENQUIRY INVESTIGATION FORM

To: _____

From: _____

Re: NOTIFICATION OF DISCIPLINARY ENQUIRY INVESTIGATION

The Company is presently conducting an investigation into an incident that took place on or about:

Regarding:

The conclusion of this investigation may result in a Disciplinary Enquiry being convened.

Should this be the case, you shall be notified of the allegation against you, as well as the venue, date and time that the enquiry will be held.

Received by _____ Date _____

Witness (1) _____ Date _____

Witness (2) _____ Date _____

Date _____

DISCIPLINARY PROCEDURE
ANNEXURE D

NOTIFICATION TO ATTEND DISCIPLINARY ENQUIRY

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Department: _____

Date: _____

Kindly take notice that an enquiry will be held to investigate the alleged offence/s as detailed below:

The alleged charges/offences against you are:

You are suspended with full pay / without pay with effect from _____ pending the outcome of the disciplinary enquiry. (*Delete if not applicable.*)

Date of alleged offence _____

The arrangements for the Disciplinary Enquiry are as follows:

Date: _____

Time: _____

Place: _____

Chairperson: _____

Complainant: _____

I confirm that I have been advised of the following:

1. I am entitled to be assisted at the disciplinary enquiry by a fellow employee.
2. I am entitled to have an interpreter, if requested.
3. I am entitled to have the opportunity to confer with my representative at reasonable times before, during and after the enquiry.
4. I am entitled personally, or through my representative, to question the complaint and witnesses during the enquiry.
5. I am entitled to furnish evidence and to argue on the question of whether the misconduct occurred.
6. I am entitled to furnish evidence and to argue in mitigation of disciplinary action.
7. I have been advised that should I refuse/fail to attend the enquiry may be held in my absence.
8. I have been advised that I am entitled to lodge an Appeal against the decision of the Disciplinary Enquiry within ten (10) days of the decision. The Appeal must be lodged with my Manager and must motivate fully the grounds of such Appeal and whether such Appeal is in respect of the decision and/or sanction of the Disciplinary Enquiry. Any Appeal will be heard as soon as possible after such notice being given.

As witness:

Witness (1) _____ Date: _____

Witness (2) _____ Date: _____

Signature of employee/alleged offender/accused: _____

Date: _____

Date on which notification was issued: _____

Time at which notification was issued: _____

Person who issued notification: _____

Signature of such person: _____

DISCIPLINARY PROCEDURE
ANNEXURE E

LETTER TO EMPLOYEE REFUSING TO ATTEND DISCIPLINARY ENQUIRY

Date: _____

Name of Employee: _____

Department: _____

Dear: _____

On the _____ day of _____ 20 _____, you were given written notice that a Disciplinary Enquiry would be conducted on the _____ day of _____ 20 _____ at _____ into allegations against you.

As you have failed to attend this enquiry, I would like to inform you of the following:

The Disciplinary Enquiry scheduled for _____ on _____ 20 _____ has been postponed to give you every reasonable opportunity to consider your position and prepare for the action against you.

This Disciplinary Enquiry is now scheduled for _____ on _____ 20 _____ and will be conducted at _____ (venue). Failure to attend this enquiry without any acceptable reason will leave the company with no choice but to accept that you do not wish to take advantage of your rights to hear and respond to the allegations against you.

In such an event, the company may conduct the enquiry in your absence. We therefore call upon you to attend the Disciplinary Enquiry and not to waive your rights.

Yours Faithfully

CHAIRMAN OF ENQUIRY

DISCIPLINARY PROCEDURE
ANNEXURE F

LETTER TO EMPLOYEE IF DISCIPLINARY ENQUIRY IS TO BE POSTPONED

Date: _____

Name of Employee: _____

Department: _____

Dear _____

You were informed that a Disciplinary Enquiry would be conducted on the _____ day of _____ 20 _____ into allegations against you. You were also notified of your rights to be represented by a representative of your choice from within your operating unit, as well as other rights to which you are entitled.

This enquiry would give you the opportunity to answer to the said allegations, as well as to present any evidence or witnesses you may have.

The enquiry cannot proceed due to _____

The Disciplinary Enquiry is now re-scheduled for _____ on _____ 20 _____ to give you every reasonable opportunity to attend.

Attached is a copy of the Charge Sheet, stipulating the allegations against you.

Should you not attend the re-scheduled Disciplinary Enquiry without acceptable reasons, then the company will have no choice but to accept that you do not wish to take advantage of your rights to hear and respond to the allegations against you. In that case, the Disciplinary Enquiry may be conducted in your absence and a decision will be taken based on the facts available at that time.

We therefore urge you to attend the Disciplinary Enquiry and not to waive your rights.

Yours faithfully

CHAIRMAN OF ENQUIRY

DISCIPLINARY PROCEDURE
ANNEXURE G

**LETTER TO EMPLOYEE WHO DID NOT ATTEND A DISCIPLINARY ENQUIRY HELD IN
ABSENTIA**

Date: _____

Name of Employee: _____

Department: _____

Dear _____

As advised previously, a Disciplinary Enquiry was conducted against you on _____ 20 _____. It was held in absentia as you failed to attend.

The outcome of the enquiry is that you were found guilty / not guilty of:

The company is now affording you another opportunity to come forward and present any mitigating factors that you may have in support of your case before the penalty decision is taken.

The date set to allow you to present the mitigating factors and to listen to the penalty decision is at _____ on _____ 20 _____

The venue is: _____

Once again we call upon you to exercise your rights by being present and presenting mitigating factors.

Yours faithfully

CHAIRMAN OF ENQUIRY

DISCIPLINARY PROCEDURE
ANNEXURE H

DISCIPLINARY ENQUIRY SUMMARY FORM

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Department: _____

Date: _____

Name of Employee Representative (if applicable): _____

Time: _____

Place: _____

Details: _____

Findings of the Disciplinary Enquiry: _____

Action recommended: _____

Name of Chairman: _____

Signature of Chairman: _____

Action authorized (where applicable): _____

For processing by:

Manager: _____

DISCIPLINARY PROCEDURE
ANNEXURE I

NOTIFICATION OF VERBAL WARNING FOLLOWING A DISCIPLINARY ENQUIRY

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Department: _____

Date: _____

As a result of a Disciplinary Enquiry held on _____ 20 _____ you are hereby informed that you are issued a Verbal Warning due to

This Verbal Warning takes immediate effect and will be valid for three (3) months from this date. Should a similar offence, or any other serious offences be committed by yourself, you will render yourself liable for further disciplinary action being taken, i.e. Written or Final Written Warning.

Signature of Manager/Supervisor: _____

This Verbal Warning has been read to me. I am aware and understand the contents of this notification and acknowledge receipt of a copy thereof.

Signature of Employee: _____

Signature of Employee Representative (if applicable): _____

Signed as Witness: _____

Date: _____

The signature of the employee signifies that the employee has received the notice of Disciplinary Action, whether or not the employee agrees with the Action.

DISCIPLINARY PROCEDURE
ANNEXURE J

NOTIFICATION OF WRITTEN WARNING FOLLOWING A DISCIPLINARY ENQUIRY

As a result of a Disciplinary Enquiry held on _____ 20 ____ you are hereby informed that you are issued a Written Warning due to

This Written Warning takes immediate effect and will be valid for six (6) months from this date.

Should a similar offence, or any other serious offences be committed by yourself, you will render yourself liable for further disciplinary action being taken, i.e. Final Written Warning/Dismissal.

Signature of Manager/Supervisor: _____

This Written Warning has been read to me. I am aware and understand the contents of this notification and acknowledge receipt of a copy thereof.

Signature of Employee: _____

Signature of Employee Representative (if applicable): _____

Signed as Witness: _____

Date: _____

The signature of the employee signifies that the employee has received the notice of Disciplinary Action, whether or not the employee agrees with the Action.

DISCIPLINARY PROCEDURE
ANNEXURE K

**NOTIFICATION OF FINAL WRITTEN WARNING FOLLOWING A DISCIPLINARY
ENQUIRY**

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Department: _____

Date: _____

As a result of a Disciplinary Enquiry held on _____ 20 ____ you are hereby informed that you are issued a Final Written Warning due to

This Final Written Warning takes immediate effect and will be valid for six (6) months from this date. Should a similar offence, or any other serious offences be committed by yourself, you will render yourself liable for Dismissal.

Signature of Manager/Supervisor: _____

This Final Written Warning has been read to me. I am aware and understand the contents of this notification and acknowledge receipt of a copy thereof.

Signature of Employee: _____

Signature of Employee Representative (if applicable): _____

Signed as Witness: _____

Date: _____

The signature of the employee signifies that the employee has received the notice of Disciplinary Action, whether or not the employee agrees with the Action.

DISCIPLINARY PROCEDURE
ANNEXURE L

DISMISSAL FORM

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Department: _____

Date: _____

At a Disciplinary Enquiry held on _____ 20 _____. You were found guilty of the following transgressions/allegations:

As a result of this Disciplinary Enquiry, the company has decided to terminate your service with effect from _____ and your last working day will be _____.

You may, if you wish, appeal against this dismissal in terms of the company's appeal procedure. For this purpose you must complete an appeal form within ten (10) days from today and hand the form to _____

Signature of Chairman of Enquiry _____

DISCIPLINARY PROCEDURE
ANNEXURE M

NOTICE OF APPEAL FORM

(To be completed by Employee or Employee Representative)

To: _____

Department: _____

Date of submission of appeal: _____

A meeting with a Senior Manager is requested to discuss the disciplinary action taken at the Disciplinary Enquiry regarding _____ (Employee's Name), held on _____ 20 ____.

Grounds for Appeal

- a) The Disciplinary Enquiry did not follow the laid down procedure.
- b) New facts have become available that were not taken into account at the enquiry.
- c) The action taken/recommended is unprecedented for such an incident.
- d) Mitigating or extenuating circumstances were not properly considered.
- e) Other.

Supporting details for grounds selected above:

Signature of Appellant _____

Signature of Employee Representative (if applicable) _____

Signature of Company Representative _____

Date _____

DISCIPLINARY PROCEDURE
ANNEXURE N

APPEAL NOTIFICATION

Name of Employee: _____

Employee Number/Identity Number: _____

Position of Employee: _____

Department: _____

Grounds of Appeal:

Date of alleged incident/offence: _____

Date of appeal hearing: _____

Time of appeal hearing: _____

Venue of appeal hearing: _____

Chairperson: _____

Date on which Appeal Notification was issued: _____

Time at which Appeal Notification was issued: _____

Person who issued Appeal Notification: _____

Signature of the accused/alleged offender/employee: _____

Witness (1) _____

Witness (2) _____

Acceptance by Chairperson: _____

Date: _____ 20__.

GRIEVANCE PROCEDURE
ANNEXURE O

(Copy to be kept in Employee's File)

GRIEVANCE FORM

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Nature of Grievance: _____

Employee's Signature: _____

Date: _____

ACTION TAKEN:

S t a g e O n e SUPERVISOR	S t a g e T w o DEPARTMENT HEAD	S t a g e T h r e e H R M A N A G E R	S t a g e F o u r M D
Remarks	Remarks	Remarks	Remarks
Employee signature	Employee signature	Employee signature	Employee signature
Employee representative	Employee representative	Employee representative	Employee representative
Supervisor/ Manager signature	Department Head signature	H R Manager signature	M D signature
Date	Date	Date	Date

GRIEVANCE PROCEDURE
ANNEXURE P

NOTIFICATION OF GRIEVANCE HEARING

Name of Employee: _____

Employee Identity Number: _____

Position of Employee: _____

Nature of Alleged Grievance: _____

Date of Alleged Grievance: _____

Date of Grievance Hearing: _____

Venue of Grievance Hearing: _____

Chairman: _____

Date on which notification was issued: _____

Time at which notification was issued: _____

Person who issued notification: _____

Accused Employee's Signature: _____

Witness (1) . _____

Witness (2) _____

WORK PERFORMANCE COUNCELLING
ANNEXURE Q

WORK PERFORMANCE COUNSELLING	
Date:	Time:
Name:	First Name:
Employee Number:	Position:
Name of Manager:	Department:
Position:	Date of Previous Discussion:

Discussion Summary		
Specific work performance area to be discussed:		
Work performance standard required:		
Any improvements that have been implemented:		
Improvements still required:		
Reasons given for insufficient improvements:		
Action to be taken:	By whom:	By when:
Possible consequences of continued lack of improvement:		
Follow-Up Date:		
I confirm that the contents of the above mentioned discussion summary have been read and explained to me.	Manager's Signature	
Employee's Signature	Date	
PLEASE NOTE: Failure to comply with the standards of performance required of you may result in disciplinary action being taken against you, which may result in your dismissal.		

WORK PERFORMANCE FOLLOW-UP
ANNEXURE R

For Office Use Only
Date of Issue:
Date of Expiry:

WORK PERFORMANCE FOLLOW – UP	
Date:	Time:
Name:	First Name:
Employee Number:	Position:
Name of Manager:	Department:
Position:	Date of Previous Discussion:

Discussion Summary		
Specific work performance area to be discussed:		
Any improvements that have been implemented:		
Improvements still required:		
Reasons given for insufficient improvement:		
Action to be taken:	By whom:	By when:
Possible consequences of continued lack of improvement:		
Follow-Up Date:		
I confirm that the contents of the above mentioned discussion summary have been read and explained to me.	Manager's Signature	
Employee's Signature	Date	

MINUTES OF DISCIPLINARY HEARING
ANNEXURE S

MINUTES OF DISCIPLINARY HEARING HELD FOR:

Name of Employee: _____

on _____ **at** _____

1. INTRODUCTION

The Chairperson introduced himself/herself as _____.

2. PURPOSE

The purpose of the disciplinary hearing is to investigate the allegations against the accused, _____, a (position) _____, that took place on _____ 20 _____ at _____.

3. The following members are introduced:

- 3.1 Chairperson : _____
- 3.2 Personnel Representative : _____
- 3.3 The Prosecutor : _____
- 3.4 The Accused : _____
- 3.5 Employee Representatives : _____
- 3.6 Prosecutor's Witnesses : _____
- 3.7 Employee's Witnesses : _____
- 3.8 Interpreter : _____

4. RIGHTS

The rights of the accused are explained as follows:

- 4.1 the right of the hearing to take place timeously;
- 4.2 the right to be told the nature of the offence or misconduct with relevant particulars of the charge;
- 4.3 the right to be given adequate notice prior to the inquiry;
- 4.4 the right to representation;
- 4.5 the right to call witnesses;
- 4.6 the right to an interpreter;
- 4.7 the right to a finding (if guilty, he/she should have the right to be told the full reasons why);
- 4.8 the right to have previous service considered;
- 4.9 the right to be advised of the penalty imposed; and
- 4.10 the right to an appeal.

NOTE: IF THE ACCUSED DOES NOT HAVE A REPRESENTATIVE, THE CHAIRPERSON MUST ASK THE FOLLOWING QUESTIONS:

Questions:	Answers:
1. Do you have a Representative?	Yes/No
2. Are you aware that on the Notification Form it states that “you have the right to be represented/assisted by a maximum of 2 available colleagues” and that “it is your responsibility to make this arrangement”?	Yes/No
3. Do you want to be represented at this hearing by an employee representative of your choice?	<p>Yes/No</p> <p><u>IF YES:</u> I will call for a recess to allow you a further opportunity to find a representative and wish to emphasise that you should make every effort to find one so that this hearing can be finalised at our next meeting. If you fail to have a representative available at the next hearing, the hearing will be held without you being represented. If you experience any problems in this regard, you may consult the Personnel Manager/IR Officer.</p> <p><u>IF NO:</u> Since you have stated that you do not want to be represented at this hearing, I take it that you are satisfied that this hearing can continue without you being represented.</p>

SIGNATURE: ACCUSED

5. My role as Chairman of this hearing is to conduct the hearing according to the Company Disciplinary Procedure.
6. The role of the Personnel Representative at this hearing is to:
 - advise either party at any stage of the proceedings of the Company Disciplinary Procedures to be followed;
 - take minutes.
7. The role of the Employee Representative is to represent and assist the accused and also act as spokesman on behalf of the accused. Of course, he/she may also act as Interpreter.

I _____ (name of accused) understand the nature of the transgression and the action taken.

SIGNATURE: _____ DATE: _____

NAME OF CHAIRMAN : _____

SIGNATURE : _____

DATE : _____

22. CHAIRPERSON TO ACCUSED:

I wish to inform you that the business has no internal appeal procedure. You have the right to refer the case to the CCMA or the appropriate Bargaining Council. It is important that you exercise the right to refer the matter within 30 (thirty) days of the closure of this hearing. Your basis for referring the matter can be on the following grounds:

- a. procedural unfairness;
- b. substantive unfairness;
- c. new evidence.

23. I now declare this disciplinary hearing closed at:

TIME: _____ DATE: _____

CHAIRPERSON

EMPLOYEE

WITNESS

WITNESS